

LOCAL LAW NO. 1 OF 2024
LL-24-01

**A LOCAL LAW AMENDING CHAPTER 6 “BUILDING AND UTILITY CODES,”
ARTICLE I “BUILDING CODE” TO ADDRESS CORPORATE FINES AND TO SET A
MINIMUM FINE FOR VIOLATIONS OF THE BUILDING CODE**

SPONSOR: CHAIRWOMAN BROWN

BE IT ENACTED, by the Common Council of the City of Poughkeepsie as follows:

~~STRIKETHROUGH INDICATES DELETION~~
BOLD and UNDERLINE INDICATES ADDED LANGUAGE

SECTION 1: City Code Chapter 6 “Building and Utility Codes,” Article I “Building Code,” Division I “Building Code” Section 6-11 is amended to read as follows:

Section 6-11. Penalties.

Any person, firm, corporation, association or entity violating any of the provisions of this Building Code or of the Uniform Code adopted in Section 6-3 shall be liable to a penalty **of no less than \$250 but** not exceeding \$1,000 and, for a continuation of such violation, to an additional penalty not exceeding \$10 per day. **For the purposes of section 80.10 of the penal law, this shall constitute a special corporate fine.**

SECTION 2: City Code Chapter 6 “Building and Utility Codes,” Article I “Building Code,” Division II “Administration of Building Code” Section 6-39(o) is amended to read as follows:

(o) Penalties. Any person, firm, corporation, ~~or~~ association or entity violating the provisions of this section shall be subject to a penalty of **not less than \$100 per day but not exceeding** \$300 per day, per property, for the following violations, which shall constitute distinct and separately chargeable violations. **For the purposes of section 80.10 of the penal law, this shall constitute a special corporate fine.**

(1) Failure to register a property as required in Section 6-39(c). The first date on which a penalty for failure to register may be imposed is the latter of the following:

- a. The 11th day after the owner is provided with written notice **of** the existence of a vacant property; **or**
- b. The 11th day after the initiation of foreclosure proceedings; ~~or~~
- ~~e. The 11th day after the effective date of this section.~~

(2) Failure to provide a cash bond as required in Section 6-39(j). The first date on which a penalty for failure to provide a cash bond may be imposed is the latter of the following:

- a. The 21st day after the owner is provided with written notice of the existence of a vacant property; **or**
- b. The 21st day after the initiation of foreclosure proceedings.;~~or~~
- ~~c. The 21st day after the effective date of this section.~~

(3) Failure to replenish a cash bond that the Building Inspector has drawn down pursuant to Section 6-39(m). The first date on which a penalty for failure to provide a cash bond may be imposed is the 11th day after the Building Inspector notifies the owner of the obligation to replenish the bond to the minimum of \$10,000.

(4) Failure to provide proof of liability insurance as required in Section 6-39(k). The first date on which a penalty for failure to provide a cash bond may be imposed is the latter of the following:

- a. The 21st day after the owner is provided with written notice of the existence of a vacant property; **or**
- b. The 21st day after the initiation of foreclosure proceedings.;~~or~~
- ~~c. The 21st day after the effective date of this section.~~

(5) Failure to rectify violations of Section 6-39(g). An owner who fails to remedy violations of Section 6-39(g) within 10 days of the date of a citation issued pursuant to Section 6-39(h) shall be subject to civil penalties as set forth in Sections 6-11 and 6-12 for each day the violation is unremedied or until the Building Inspector exercises his or her authority under Section 6-39(m) to take necessary steps to ensure the property is properly maintained pursuant to Section 6-39(g).

SECTION 3. This Local Law shall take effect immediately upon filing with the New York State Secretary of State.

BE IT FURTHER RESOLVED, that copies of the aforesaid proposed Local Law be laid upon the desk of each council member; and

BE IT FURTHER RESOLVED, that the Common Council shall hold a public hearing on said proposed Local Law and that the City Clerk shall publish or cause to be published a public notice in the official newspaper of the City of Poughkeepsie of said public hearing at least five (5) days prior thereto.

SECONDED BY COUNCILMEMBER Shook :

Submitted to Council: December 4, 2023

Council Action: Approved

Voice vote taken: Yes No

Ayes 8 Nays 0 Abstain 0 Absent 1

Approved by Mayor on 2/6/23

Mayor's Signature [Signature]

I hereby certify the foregoing to be a true and correct copy of a Local Law duly adopted at a regular meeting of the Common Council held December 4, 2023.

[Signature]
Deputy City Chamberlain